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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,853	01/11/2002	Jeff G. Van Nice	018049-9030	4161

7590

10/06/2003

Timothy M Kelley
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Milwaukee, WI 53202-4108

EXAMINER

BOWER, KENNETH W

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,853

Applicant(s)

VAN NICE ET AL.

Examiner

Kenneth W Bower

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment entered 02 September, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-17, 20, 33-35, 40-46, 48, 50, 51 and 53-55 is/are rejected.
- 7) ☐ Claim(s) 18, 19, 21-32, 47, 49 and 52 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the AIR CHAMBER must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-17, 20, 33-35, 40-46, 48, 50, 51, and 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens et al. (US 5,842,577) in view of Singer (US 4,470,589).

Stevens et al. discloses a sheet handling assembly and sub-assemblies for sorting a stack of sheets depending on their characteristics having (Fig. 3), feed assembly (15), test assembly (220, 230 of Fig. 2), first storage assembly (250), second storage assembly (300), additional storage assembly (above 40 in Fig. 4), belts (Fig. 4), monitoring cleanliness (column 4, line 65 to column 18, line 16), method of operating the above apparatus (Fig. 2).

Stevens et al. lacks a pallet, alignment assembly, vertical guides, lifting frame, support structure, drive system, squaring fences, air chamber, first drive roller, second drive roller, pivotal connection, feed assembly movability, vacuum fitting, positioning drive, moving the vacuum fittings horizontally and air cylinder.

Singer discloses a pallet (42), alignment assembly (50), vertical guides (50), lifting frame (20), support structure (92 and 94), drive system (52), squaring fences (above "S" in Fig 3), air

chamber (72), first drive roller (102), second drive roller (116), pivotal connection (66), feed assembly movement (68), vacuum fitting (60), positioning drive (58), moving the vacuum fittings horizontally (Fig. 8) and air cylinder (68).

It would have been obvious to one of ordinary skill at the time of the invention to combine the teachings of Singer with the teachings of Stevens et al. to continuously feed sheets as stated by Singer at (column 1, lines 33-37)

Allowable Subject Matter

4. Claims 18, 19, 21-32, 36-39, 47, 49, and 52 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


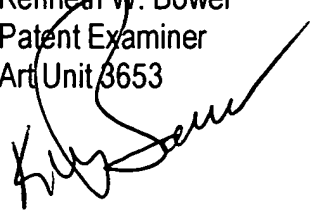
5. The following is a statement of reasons for the indication of allowable subject matter: The limitations of the rejected claims in combination with testing and monitoring the structural integrity of the sheets and the details of the mechanisms that stack the sheets in the storage bins are not found nor is sufficient motivation to make the combination found in the art of record..

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth W. Bower whose email address is ken.bower@uspto.gov, telephone number is (703) 306-4546, facsimile number for unofficial communication is (703) 308-0552 with (703) 308-2571 as back up. The examiner is normally available from 7:00 AM to 3:00 PM Eastern Time on Monday through Thursday and on every second Friday. The official facsimile number for this group is (703) 305-3579. Status or general information queries should be directed to the Group Receptionist at (703) 308-1113. If necessary, the Group Receptionist can assist with contacting the examiner's supervisor.

Kenneth W. Bower
Patent Examiner
Art Unit 3653



DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Application/Control Number: 10/030,853
Art Unit: 3653

Page 4

Kwb
30 September 2003